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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,010	06/30/2003	Masaya Ichikawa	TSM-33	1951

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MATTINGLY, STANGER & MALUR, P.C.
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1800 DIAGONAL ROAD, SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

RIAD, AMINE

ART UNIT	PAPER NUMBER
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2113

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/608,010	ICHIKAWA ET AL.	
	Examiner	Art Unit	
	Amine Riad	2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/10/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-14 are presented for examination.

Claims 1-14 are rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 6, 9, 10, 11, 12, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyamoto US Patent 5,845,061.

In regard to claims 1, 9, 10, 11, 13, and 14

Miyamoto discloses a server system comprising a plurality of servers that can be each operated as a primary system and a standby system by system switching, (Figure 1; items 101 server of execution system and 102 server of fault auxiliary system) also (Column 9; line 10-13 [server of fault auxiliary system is standby until a fault occurs at the server of execution system]) and a shared disk unit for storing data accessed by said plurality of servers, (Figure 1; item 106) wherein each or said plurality of servers comprises:

- An application means; (Column 4; line 50 “ the present invention to provide a client server alternation” [client-server inherently comprises application means to serve the client])

- A driver means that: acquires information on a configuration inside said shared disk unit after starting of said system;(Figure 1; items 109 and 111) at initial operation and (Column 10; lines 5-8 [when a fault happens among the information handed over (from the server 101 to server 102) is information collected from shared disk 106 by item 109. This information includes the file system structure, and log of number of times of access at the time of occurrence of a fault. This is considered as configuration information]) Based on said configuration information, sets said shared disk unit in an active state in which an access request can be sent, and when the driver means receives an access request to said shared disk unit, sends said access request to said shared disk unit based on said configuration information; (Column 9; line 63-65 [process admin 108 always monitors the disk processor 109 to check if a fault has occurred or not this is interpreted as item 109 is the one that sets shared disk 106 to active when there is no fault, and sends the requests in this case])
- An access control means that (Figure 1; items 108 and 110)
- Judges whether an access request issued by said application means should be sent, based on a management table indicating inhibited types of access requests for each access destination; (Figure 1; item 108) and (Column 5; lines 15-19)
- and sends said access request to said driver means when said access request is not inhibited for an access destination of said access request (Column 5; lines 19-21)

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- wherein switching between a server operating as the primary and a server operating as the standby system is conducted by inhibiting or permitting access requests of the standby system based on the management table.(Column 6; lines 38-42)

In regard to claim 2,

Miyamoto discloses the server system according to claim 1, wherein:

when a fault occurs in a server operating as the primary system, (Column 4; lines 49-52) then the access control means of said server registers in said management table such that an access request of said application means to any access destination is inhibited (Column 5; line 16-17 [when the state registering table registers the state of the disc processor 109 when a fault occurs the state table inhibits the access to the shared disc through item 109]).

In regard to claim 5,

Miyamoto discloses the server system according to claim 1, wherein:

- management table indicates an inhibited read and/or write access request for each access destination; (Column 14; lines 10-12[reading or writing data in accordance with the request which comes from the processor administrator that contains the administrative table means that the administrative table contains either an inhibited read or write]).

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access control means judges, based on said management table, whether a read or ..
write access request issued by said application means should be sent , and sends the
read or write access request to said driver means when said access request is directed
to an access destination for which the read or write access request is not inhibited
(Column 14; lines 6-12 ["In accordance with the request" is considered as checking for
the conditions of access])).

In regard to claim 6,

Miyamoto discloses the server system according to claim 1, wherein:

- management table indicates an inhibited file open and/or file close access request for each access destination; (Column 19; lines 28-35 [when a file is locked it is inhibited from being accessed by other processes therefore both its opening, and its closing are inhibited])
- access control means judges, based on said management table, whether a file open or file close access request issued by said application means should be sent (Column 5; lines 15-19), and sends the file open or file close access request to said driver means when said access request is directed to an access destination for which the file open or file close access request is not inhibited (Column 5; lines 19-21).

In regard to claim 12,

Miyamoto discloses the storage medium according to claim 11 in which the program functions as an operating system. (Column 19; lines 24-27)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto US Patent 5,845,061 in view of Padmanabhan Patent Application Publication 2004/0107300.

In regard to claim 3,
Miyamoto discloses the server system according to parent claim 1, which when it operates as a primary server, and receives a switching command the access control registers in the management table inhibited destination (Column 11; lines 4-6 the switching happens only when a fault occurs therefore by updating the state administrative table Miyamoto inhibits the access of the application to any destination) Miyamoto does not disclose that the server system comprises a console for sending to the plurality of servers a system switching command inputted by an operator. Padmanabhan teaches a console for sending to the plurality of servers a system switching command inputted by an operator (Page 5; paragraph 113)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a console for sending to the plurality of servers a

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switching command inputted by an operator of Padmanabhan into the server system of Miyamoto.

One of ordinary skill in the art at the time the invention would have been motivated to make this combination because adding manual switching would make the system more flexible, allowing an operator to switch from one server to the other at anytime for maintenance purposes for example.

In regard to claim 7,

Miyamoto discloses receiving the command for registering, deleting or changing inhibited access requests for each access destination; and registering the deleting command, the changing command, and the registering command in the management table (Column 19; lines 34-40) and (Figure 30; item 84 update file administration information updating file administration information is interpreted as registering, deleting, and changing).

- Miyamoto does not disclose a server system that comprises a console for sending said plurality of servers a command by an operator.
- Padmanabhan teaches a console for sending to the plurality of servers a command for registering, deleting or changing inhibited access requests by an operator. (Page 5; paragraph 113)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a console for sending to the plurality of servers a command for registering, deleting or changing inhibited access requests by an operator by Padmanabhan into the server system of Miyamoto.

One of ordinary skill in the art at the time the invention would have been motivated to make this combination because adding manual switching would make the system more flexible, allowing an operator to switch from one server to the other at anytime for maintenance purposes for example.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto US Patent 5,845,061 in view of Raz US Patent 5,913,227.

In regard to claim 4,
Miyamoto discloses the server system as recited in parent claim 1.
Miyamoto does not disclose that at least write is inhibited from management table by the access control means.

Raz teaches in (Column 5; lines 65-67) and (Column 6; lines 1-5) that the agent makes a determination by referring to a locally maintained table in which the agent records the granting and the release of locks per file. Raz teaches also that a shared lock can be granted and the new file access request is a read only not a write request.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine inhibiting write request from the management table by the access control means as taught by Raz with the server system of Miyamoto.

One of ordinary skill in the art at the time the invention would have been motivated to make this combination because writing to the shared disk while recovering from a fault occurring in the master server could corrupt the data existing in the shared disk.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto US Patent 5,845,061 in view of Odanaka JP 05241876.

In regard to claim 8,

Miyamoto discloses the server system as recited in parent claim 1,

Miyamoto does not disclose a console for sending each of said plurality of servers a command that is inputted by an operator and that requests contents of the management table, and for outputting the contents of the management table received from the server in question.

Odanaka teaches sending a command that is inputted by an operator and outputting the content of the management table (Abstract; "and the table is outputted to a console")

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a console for sending to the plurality of servers a command for outputting the content of management table by an operator by Odanaka into the server system of Miyamoto.

One of ordinary skill in the art at the time the invention would have been motivated to make this combination because manually outputting the content of the management table would give the system an additional option to view the data.

Response to Applicant's Argument

Applicant arguments filed on April 10, 2007 have been fully considered, and are not persuasive.

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In regards to the main argument in which the Applicant states that "The present invention as recited in the claims differs substantially from that taught by Miyamoto being that in the present invention during normal operation both **the primary system and the standby system are in effect placed in the active state** and processing performed by the standby system are inhibited by blocking access requests of the standby system using a management table. Therefore, Miyamoto fails to teach or suggest the features of the present invention as now more recited in the claims "

Examiner respectfully disagrees.

First Examiner points that new claim language does not anymore refer the primary and the standby servers being both in an active state as argued by the Applicant.

Second the written description has no support for both servers being active. Examiner respectfully refers Applicant to the previous Office Action and precisely to the 112 first paragraph rejection. This simple demonstration makes Applicant's main argument invalid.

In regards to the remaining arguments Examiner refers Applicant to the previous answer, and to the Office Action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amine Riad whose telephone number is 571-272-8185.

The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 571-272-3645. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AR
Amine Riad
Patent Examiner
6/7/06

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